

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES BELL,

Petitioner,

v.

CASE NO. 09-CV-14423

HONORABLE JOHN CORBETT O'MEARA

NICK LUDWICK,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR
APPOINTMENT OF COUNSEL AND ORAL ARGUMENT**

Michigan prisoner James Bell ("Petitioner") has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that he is incarcerated in violation of his constitutional rights. This matter is before the Court on Petitioner's motion for appointment of counsel and oral argument. In support of his motion, Petitioner states that he is unable to afford counsel and that the issues in his case are complex.

Petitioner has no absolute right to be represented by counsel on federal habeas corpus review. *See Abdur-Rahman v. Michigan Dept. of Corrections*, 65 F.3d 489, 492 (6th Cir. 1995); *see also Wright v. West*, 505 U.S. 277, 293 (1992) (citing *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987)). "[A]ppointment of counsel in a civil case is . . . a matter within the discretion of the court. It is a privilege and not a right." *Childs v. Pellegrin*, 822 F.2d 1382, 1384 (6th Cir. 1987) (quoting *United States v. Madden*, 352 F.2d 792, 793 (9th Cir. 1965)).

As noted, Petitioner has submitted his habeas petition. Respondent has recently filed an answer to the petition and the state court record, but the Court has yet to review those materials. Accordingly, the Court shall deny Petitioner's request for appointment of counsel pending further review of this case. The Court shall also deny Petitioner's request for oral argument at

this time. The Court will bear in mind both requests if, upon further review of the pleadings, the Court determines that appointment of counsel and/or oral argument is necessary. Petitioner need not file additional motions concerning these matters. Accordingly, the Court **DENIES WITHOUT PREJUDICE** Petitioner's motion.

IT IS ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: June 8, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 8, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz
Case Manager